

C2 2. (Twice Amended) The isolated nucleic acid molecule of claim 1 wherein said nucleic acid molecule comprises a nucleotide sequence as set forth in SEQ ID NO:1.

REMARKS

Claims 1, 3, 5, and 6 are pending in this application. Claims 1 and 3 have been amended in accordance with suggestions made by Examiner Seharaseyon during a series of telephonic discussions conducted in February and March, 2002. In response to the Examiner's request that the title be changed, applicants refer the Examiner to their response filed on February 8, 2002, in which the title for this application was changed to "Gene for the Modulation of Obesity, Diabetes, and Metabolic Energy Levels".

All claims are, therefore, in condition for allowance and a notice thereof is earnestly solicited.

Attached hereto is a marked-up version of the changes made to the specification and claims by the current amendment. The attached page is captioned "Version with markings to show changes made".

In the unlikely event that the transmittal letter is separated from this document and the Patent Office determines that an extension and/or other relief is required, applicant petitions for

63

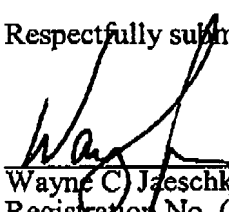
C

any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no. 229752000700.

Respectfully submitted,

Dated: March 21, 2002

By:


Wayne C. Jaeschke, Jr.
Registration No. (38,503)

Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Washington, D.C. 20006-1888
Telephone: (202) 778-1446
Facsimile: (202) 263-8396



VERSION WITH MARKINGS TO SHOW CHANGES MADE

In the Claims:

1. (Twice Amended) An isolated nucleic acid molecule comprising a sequence of nucleotides encoding or complementary to a sequence encoding a protein wherein said nucleic acid molecule is expressed in larger amounts in the hypothalamus tissue of obese animals compared to lean animals and wherein the sequence of nucleotides encodes amino acid sequences set forth in SEQ ID NO:2 [or SEQ ID NO:14 or amino acid sequence having at least 60% similarity to SEQ ID NO:2 or SEQ ID NO:14].

3. (Twice Amended) The isolated nucleic acid molecule of claim 1 wherein said nucleic acid molecule comprises a nucleotide sequence [substantially] as set forth in SEQ ID NO:1 [or SEQ ID NO:13 or a nucleotide sequence having at least 30% similarity to SEQ ID NO:1 or SEQ ID NO:13 or a nucleotide sequence capable of hybridizing to SEQ ID NO:1 or SEQ ID NO:13 or their complimentary forms under hybridization conditions comprising from at least about 1% v/v to at least about 15% v/v formamide and from at least about 1 M to at least about 2 M salt and at least about 1 M to at least about 2 M salt for washing conditions].